

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JUSTIN OLEN BROWN,

Defendant.

CR 24–36–BU–DLC

ORDER

Before the Court is United States Magistrate Judge Kathleen L. DeSoto’s Findings & Recommendation Concerning Plea. (Doc. 23.) Because neither party objected, they are not entitled to *de novo* review. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Therefore, the Court reviews the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Justin Olen Brown is charged with one count of possession with intent to distribute fentanyl, in violation of 21 U.S.C. § 841(a)(1), as charged in the sole count of the Indictment. (Doc. 1.) Judge DeSoto recommends that this Court accept Brown’s guilty plea as to possession with intent to distribute fentanyl after Brown

appeared before her pursuant to Federal Rule of Criminal Procedure 11. The Court finds no clear error in Judge DeSoto's Findings and Recommendation and adopts them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Judge DeSoto's Findings and Recommendation (Doc. 23) is ADOPTED in full.

IT IS FURTHER ORDERED that Brown's motion to set change of plea hearing (Doc. 17) is GRANTED.

IT IS FURTHER ORDERED that Brown is adjudged guilty as charged in the sole count of the Indictment.

DATED this 25th day of March, 2025.



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Dana L. Christensen, District Judge  
United States District Court